

FILED

DAVID ORRIS, CLERK
BY Deputy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MARY BASWELL,

Plaintiff,

v.

GC SERVICES, LP,

Defendant.

Civil Action No.: 3:13-CV-004-MPM-SAA

COMPLAINT

PLAINTIFF'S COMPLAINT

Plaintiff, MARY BASWELL (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against, Defendant, GC SERVICES, LP, (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Mississippi, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Walnut, Tippah County, Mississippi.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency with a business office in Houston, Texas.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a consumer debt from Plaintiff on behalf of the original creditor, Citibank, N.A. account number ending in 7796.
11. Plaintiff's alleged debt owed to Citibank arises from transactions for personal, family, and household purposes.
12. In or around September of 2012, Defendant began placing calls to Plaintiff's home phone (662-286-29xx) in an attempt to collect an alleged debt.
13. Defendant leaves messages for Plaintiff asking her to return the call to 866-749-7274, a number belonging to Defendant.
14. In September of 2012, Defendant left a voicemail message for Plaintiff, on Plaintiff's home phone that failed to meaningfully disclose the caller's identity. *See* Defendant's transcribed voicemail message attached as Exhibit A.
15. In September of 2011, Defendant left a voicemail message for Plaintiff, on Plaintiff's

home phone that failed to state the communication was from a debt collector. *See* Exhibit A.

16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, MARY BASWELL, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

18. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,

15 U.S.C. 1692k

20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: December 28, 2012

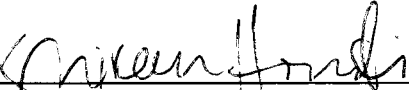
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EXHIBIT A

Mary Baswell v. GC Services, LP

Mary Baswell, this is _____. I can be reached at 866-749-7274, extension 6133. Mary Baswell, I can be reached at 866-749-7274, extension 6133.